

THE MARYLAND AGRICULTURAL EXPERIMENT STATION.

STATE HORTICULTURAL DEPARTMENT.

CIRCULAR BULLETIN No. 41.

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LAW PROVIDING FOR THE SUPPRESSION AND CONTROL OF INSECT PESTS AND PLANT DISEASES IN MARYLAND.

LAWS OF MARYLAND, 1898. CHAPTER 289.

AN ACT to repeal sections 51, 52, 53, 54, 55, 56, 57 and 58 of Article XLVIII of the Code of Public General Laws, title "Inspection," sub-title "Trees and Nursery Stock," as designated by Chapter 290 of the Acts of the General Assembly of Maryland of 1896, and to re-enact the same with amendments, under a new sub-title, to be known as "State Horticultural Department," and to add thereto eight new sections, to be designated 59, 59 A, 60, 61, 62, 63, 64 and 65, providing for the protection of the horticultural interests of the State by the suppression and extermination of the San Jose scale, peach-yellow, pear-blight and other injurious insect pests and plant diseases, and to create the offices of "State Entomologist," "State Pathologist," and "State Horticulturalist," and to appropriate a sum of money therefor.

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That sections 51, 52, 53, 54, 55, 56, 57 and 58 of Article XLVIII of the Code of Public General Laws, title "Inspection," sub-title "Trees and Nursery Stock," as passed by the General Assembly of Maryland, session 1896, chapter 290, be and the same are hereby repealed and re-enacted to read as follows:

51. That a State Horticultural Department be established for the State of Maryland; that its purpose is to suppress and eradicate the San Jose scale, peach-yellow, pear-blight and other injuriously dangerous insect pests and plant diseases throughout the State of Maryland.

52. That the Professor of Entomology, the Professor of Vege

table Pathology, and the Professor of Horticulture of the Maryland Agricultural College and Experiment Station shall be the State Entomologist, State Pathologist and State Horticulturalist, respectively.

53. That the said Horticultural Department shall be under the control of the Board of Trustees of the Maryland Agricultural College and Experiment Station, to whom the officers created under this Act shall be responsible; that the salary of the State Entomologist and State Pathologist shall be fixed by the said board of trustees, and the said board shall likewise fix the compensation of any assistant or assistants, employe or employes, and control all expenses thereof. That the expenses of said department shall be paid out of an appropriation hereinafter provided for, and that said board of trustees be invested with all powers necessary to carry into effect the provisions of this Act; but no expenses shall be incurred beyond the amount appropriated.

54. That it shall be the duty of said State Entomologist and State Pathologist, their assistants and employes, under the control of Trustees of said College, to seek out and suppress all pernicious insect pests and contagious diseases hereinbefore mentioned as destructive to horticultural and agricultural interests of this State, and conduct experiments when necessary to accomplish that end.

55. That in order to accomplish the purposes of this Act, the State Entomologist and the State Pathologist, their assistants and employes, or any other officer, assistant or employe appointed by said board of trustees, are hereby authorized to enter upon any public premises, parks, cemeteries, or other premises, or upon any land of any firm, corporation or private individual within the State of Maryland for the purpose of inspection, destroying, treating or experimenting upon the insects and diseases aforesaid. Should any insect or disease found by said State Entomologist or State Pathologist, or by any other officer appointed by said trustees, be, in their opinion, capable of eradication without the destruction of the tree or plant, then said officers are to treat or cause to be treated with proper remedies and appliances all such trees, vines, shrubs, plants and grains. Further, said State officers shall treat or have

treated, in order to prevent the dissemination of the aforesaid insects or diseases, any and all suspicious trees, vines, shrubs, plants and grains found to be in a dangerous proximity to those infested as aforesaid.

56. That should any of the officers aforesaid, through their assistants and employes, or by any notification whatsoever, find any fruit trees, vines, shrubs, plants or grains, infested or diseased with the aforesaid insects or diseases, the aforesaid officers shall mark or tag in some conspicuous way, all trees, vines, shrubs, plants or grains infested with the aforesaid diseases and shall give notice in writing to the owner or owners, tenants or person in charge of such premises of the condition thereof, and thereupon, if such person or persons so notified shall not within ten (10) days after notification, destroy or treat the same in accordance with regulations and rules of said trustees, a copy of which will be sent on application to any person, then said trustees shall, through their officers, assistants or employes, destroy or treat all such trees, plants, vines, shrubs and grains, and the State officers shall file a statement of the expenses of such destruction or treatment with the trustees of said college, and said trustees shall transmit a copy of such statement and account of such expenditure, with the usual affidavit attached thereto to be made by the State officers, which shall be sufficient evidence to prove the claim to the State's Attorney of the county where the owner of such premises resides, and said attorney is directed to collect the same and account to the Trustees of the Maryland Agricultural College therefor.

57. That it shall be the duty of said trustees to send the State Entomologist, or the State Pathologist, or their duly authorized assistants, at least once a year into each county of the State for the purpose of determining by inspection the healthfulness and general condition of the horticultural and agricultural interests.

58. That it is hereby also made the duty of the said board of trustees, through the State Entomologist and the State Pathologist, or their duly authorized assistants, to inspect at least once in every six (6) months, all nurseries of trees, vines, shrubs and plants, subject to the aforesaid insects or diseases within the State, and if found free, so far as can be determined by inspection, from the

aforesaid insects or diseases, to give to the owner or owners or persons in charge of said nurseries, a certificate of inspection showing such nurseries or premises to be apparently free from such insects and diseases. If any of the aforesaid insects or diseases should be found in any nursery or orchard, or any premises within the State where nursery stock is grown, the aforesaid officers shall cause to be destroyed or treated such portion of such nursery stock or other trees or plants as in their opinion may be necessary, and shall release all other nursery stock grown upon said premises, and issue a certificate of inspection to the owner or owners as herein provided for; and if such infested or diseased trees, vines, plants or shrubs be destroyed by the aforesaid officers, then the owners shall pay the cost thereof, and if he refuse to pay the same it shall be collected as prescribed in section 56. No nurseryman, broker, agent, dealer or other person shall be permitted to sell, ship, send out, or give away, by mail, express, freight or otherwise, any trees, vines, shrubs, plants, buds or cuttings from any such nurseries or premises, without accompanying the same, with a copy of the said certificate printed upon a tag or label not easily destroyed, the same to be firmly attached in some conspicuous position upon each carload, box, bale or package so sent out or delivered.

SEC. 2. *And be it enacted by the General Assembly of Maryland*, That the following sections be and the same are hereby added to Article XLVIII of the Code of Public General Laws, title "Inspections," sub-title "Horticultural Department," to be designated as sections 59, 59 A, 60, 61, 62, 63, 64 and 65.

59. That should any nurseryman, agent, broker, dealer or other person send out or deliver within the State, or transport to any other State or Territory, or the District of Columbia, trees, vines, shrubs, plants, buds or cuttings, subject to the attacks of insects and diseases above provided for, without attaching a copy of said certificate, deface or destroy said certificate, or wrongfully attach a certificate, he shall be adjudged guilty of a misdemeanor, and shall upon conviction before any justice of the peace be fined a sum not less than ten dollars (\$10.00) or more than one hundred dollars (\$100.00) and costs of prosecution for each and every

offense, and stand committed until such fine and costs are paid, and the fines so collected shall be paid to the trustees of the said college, and be added to the funds herein provided for carrying out the provisions of this Act.

59 A. That all trees, plants, vines, shrubs, buds or cuttings, commonly known as nursery stock, grown or handled by each and every nurseryman within this State, and subject to the attacks of the aforesaid insects or disease, shall be fumigated by the nurseryman owning the same with hydrocyanic acid gas in buildings or enclosures inspected and approved by the aforesaid State officers under their discretion.

60. That when any trees, plants, shrubs, vines, buds or cuttings, commonly known as nursery stock are shipped into the State from any other State or Territory, or the District of Columbia to any nurseryman, broker, dealer, agent or other person in this State, every carload, bale, box or package thereof shall be plainly labeled on the outside with the name of the consignor, the name of the consignee, and a certificate showing that the contents have been inspected by a qualified State or government officer, and that the trees, plants, vines, shrubs or cuttings therein contained are apparently free from the insects and diseases herein provided for. Whenever any trees, plants, vines, shrubs, buds or cuttings are shipped into this State from any other State or Territory, or the District of Columbia, without such certificate plainly fixed on the outside of each carload, box, bale or package, the agent of the transportation company, firm or person receiving same shall not deliver said nursery stock to the consignee or agent representing the consignor, and said agent of the transportation company, firm or person, shall notify the State Entomologist or State Pathologist at the Maryland Agricultural College, and said State officer receiving such notification shall immediately notify any justice of the peace of this State to issue a summons for the consignee, and the agent or consignor, if he be known, of such carload, bale, box or package of nursery stock, to appear before him on a certain day to be named therein, to show why such trees, plants, vines, shrubs, buds or cuttings should not be seized as being in violation of the provisions of this Act, and on trial thereof, if said justice be satis-

fied that the provisions of this Act have been violated, said justice shall order said agent or consignee to return such carload, box, bale or package of trees, plants, shrubs, vines, buds or cuttings immediately to the shipper or consignor, unless said consignee or agent of the consignor at his expense, shall forthwith have said nursery stock examined by the State Entomologist and State Pathologist of this State, and such officers certify to such justice of the peace that said nursery stock is apparently free from the insects and diseases mentioned herein, and tag every such carload, box, bale and package inspected by said officers, with their certificate of inspection, and if said agent or consignee shall fail to have said nursery stock examined by said State officials, or fail to return such carload, box, bale or package thereof, then said justice of the peace shall order and direct the constable or sheriff to burn and destroy all such trees, plants, shrubs, vines, buds or cuttings that have been shipped into this State in violation of this Act.

61. That whenever any agent of a transportation company, firm or person shall receive a carload, box, bale or package of trees, plants, shrubs, vines, buds or cuttings, without a certificate attached, as provided for in section 60 of this Act, and shall fail to notify the State Entomologist or State Pathologist of this fact immediately upon the arrival of such nursery stock, and before delivering the same to the consignee, said agent of the transportation company, firm or person shall be adjudged guilty of a misdemeanor, and shall upon conviction before a justice of the peace, be fined a sum not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) and costs of prosecution for each and every offense, and stand committed until such fine and costs are paid; and the fines so collected shall be paid to the trustees of said college to be added to the funds herein provided for carrying out the provisions of this Act. If any nurseryman, dealer or agent sell, ship or deliver any trees, plants, shrubs or vines into or in this State, which is infested with San Jose scale, peach-yellow, pear-blight or other injurious diseases, and upon examination by the State Pathologist, State Entomologist or their assistants, is condemned by being so infested, the said trees, plants, vines and shrubs shall be destroyed, and the nurseryman, dealer

or agent shall forfeit the value of such stock, and shall not collect the same from the purchaser or consignee.

62. That the State Entomologist, State Pathologist and State Horticulturalist shall submit annually a written report on or before the first day of February of their inspections and investigations to the board of trustees, which shall be transmitted to the Governor of the State and the General Assembly, and published, as are the reports of other State organizations, and distributed among the people of the State as bulletins of the Maryland Agricultural Experiment Station.

63. That the report of the present State Entomologist, including the work done by him up to the date of the passage of this Act, shall be published and distributed as indicated and provided for in section 62 of this Act, as the First Annual Report of the Maryland State Entomologist.

64. That the sum of ten thousand dollars the first year, and eight thousand dollars annually thereafter be and is hereby appropriated in order to carry out the provisions of this Act and properly provide for the above described inspections; to employ men qualified for their respective positions; to procure the requisite facilities and equipment necessary for the proper performance of the duties herein incurred, and to offer means of support for investigation in addition to the inspection work of the State officers, and the dissemination of information that will promote the horticultural and agricultural interests of this State.

65. That the Comptroller be and that he is hereby authorized to issue his warrant upon the Treasurer of this State for the said sum of ten thousand dollars for the year eighteen hundred and ninety-eight, and the sum of eight thousand dollars annually thereafter, out of any funds not otherwise appropriated; that the said sum of money shall be payable to the Maryland Agricultural College on or before the first of October of each fiscal year, and the first yearly payment shall be made during the fiscal year ending September first, eighteen hundred and ninety-eight.

SEC. 3. *And be it enacted*, That this Act shall take effect from the date of its passage.

Approved April 9th, 1898.

